## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION

**CIVIL NO. 2:09CV18** 

ALBERT SPANGLER,	)
Plaintiff,	)
Vs.	ORDER
LYNN DEMSHOCK; AUTOMATIC DATA PROCESSING; MARY HANNAH; and INTERNAL REVENUE SERVICE,	) ) ) )
Defendants.	) )

**THIS MATTER** is before the Court on the Plaintiff's motion and brief for default judgment as to the Defendants Mary Hannah and the Internal Revenue Service.

Default judgments are entered after a party has been declared in default. See Fed. R. Civ. P. 55. No entry of default appears of record. Nor has Plaintiff shown by affidavit or otherwise that these Defendants have been duly served with the summons and complaint, and that after such service of process, they have failed to plead or otherwise respond to

the Plaintiff's complaint herein. It, therefore, appears the motion for default judgment is premature.

IT IS, THEREFORE, ORDERED that the Plaintiff's motion for default judgment is **DENIED** without prejudice.

Signed: May 14, 2009

Lacy H. Thornburg

United States District Judge